

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 4, 2008

House of Representatives

The House convened at 11:00 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Chadderdon, Eskridge. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bailey Lake, Page.

Approval of Journal

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 1, 2008

Mr. Speaker:

I transmit herewith **S 1269** and **S 1260** which have passed the Senate.

WOOD, Secretary

S 1269 and **S 1260** were filed for first reading.

Report of Standing Committees

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 448**, **H 449**, **H 450**, **H 451**, **H 452**, **H 453**, **H 454**, **H 455**, **H 456**, and **H 457**.

CLARK, Chairman

H 448, **H 449**, **H 450**, **H 451**, **H 452**, **H 453**, **H 454**, and **H 455** were referred to the Business Committee.

H 456 was referred to the Judiciary, Rules, and Administration Committee.

H 457 was referred to the Revenue and Taxation Committee.

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 373** and **H 374**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 373** and **H 374**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 34** to the Secretary of State at 2:19 p.m., as of this date, February 1, 2008.

CLARK, Chairman

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 445** and recommend that it do pass.

LOERTSCHER, Chairman

H 445 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 458 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE WHEN INITIATIVE, REFERENDUM, RECALL, BOND, LEVY AND OTHER BALLOT QUESTION ELECTIONS MAY BE HELD; AMENDING SECTION 34-739, IDAHO CODE, TO REVISE PROVISIONS REGARDING COSTS OF PRESIDENTIAL PREFERENCE PRIMARY NOTICE AND BALLOTS; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE PROCEDURES FOR DETERMINING THE ORDER IN WHICH NAMES APPEAR ON BALLOTS; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE FILING REQUIREMENTS FOR RECALL PETITIONS; AMENDING SECTION 34-1703, IDAHO CODE, TO REVISE THE FORM OF THE RECALL PETITION; AMENDING SECTION 34-1704, IDAHO CODE, TO PROVIDE DUTIES FOR THE CLERK OF THE DISTRICT; AMENDING SECTION 34-1706, IDAHO

CODE, TO PROVIDE DUTIES FOR THE CLERK OF THE DISTRICT; AMENDING SECTION 34-1707, IDAHO CODE, TO PROVIDE DUTIES OF THE CLERK OF THE DISTRICT; AMENDING SECTION 34-1711, IDAHO CODE, TO REVISE WHEN THE CANVASS SHALL OCCUR FOR SPECIAL RECALL ELECTIONS INVOLVING ELECTED OFFICERS OF SPECIAL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1715, IDAHO CODE, TO PROVIDE DUTIES OF THE CLERK OF THE DISTRICT; AMENDING SECTION 34-2419, IDAHO CODE, TO REVISE PROCEDURES FOR DETERMINING THE ORDER IN WHICH NAMES APPEAR ON BALLOTS; AND AMENDING SECTION 63-1309, IDAHO CODE, TO REVISE WHEN A SUBSEQUENT ELECTION MAY BE HELD AFTER A QUESTION REGARDING THE FORMATION OF A SPECIAL TAXING DISTRICT, THE APPROVAL OF A BOND ISSUE OR OTHER PROPOSAL WAS DEFEATED AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 459
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

H 458 and **H 459** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1269, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1260, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 36, by State Affairs Committee, was read the second time by title and filed for third reading.

H 352 and **H 369**, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 386, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 400, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 360 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ruchti to open debate.

The question being, "Shall **H 360** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Chadderdon, Eskridge, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 360** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 387 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall **H 387** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- Marriott. Total -- 1.

Absent and excused -- Chadderdon, Eskridge, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 387** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1308 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **S 1308** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- Hagedorn. Total -- 1.

Absent and excused -- Chadderdon, Eskridge, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1308** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1309 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Brackett to open debate.

The question being, "Shall **S 1309** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Barrett, Bowers, Hagedorn, Harwood. Total -- 4.

Absent and excused--Chadderdon, Eskridge. Total -- 2. Total -- 70.

Whereupon the Speaker declared **S 1309** passed the House. Title was approved and the bill ordered returned to the Senate.

H 430 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 430** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart,

Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Hagedorn, Thayn. Total -- 2.

Absent and excused--Chadderdon, Eskridge, Snodgrass. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 430** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 338 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall **H 338** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- Harwood. Total -- 1.

Absent and excused--Chadderdon, Eskridge. Total -- 2. Total -- 70.

Whereupon the Speaker declared **H 338** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 339 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall **H 339** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- 0.

Absent and excused--Chadderdon, Eskridge. Total -- 2. Total -- 70.

Whereupon the Speaker declared **H 339** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 366 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

Ms. Jaquet moved that **H 366** be placed on General Orders for consideration. Seconded by Mr. Rusche.

Whereupon the Speaker declared the motion failed by voice vote.

The question being, "Shall **H 366** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bowers, Brackett, Bradford, Collins, Crane, Hagedorn, Hart, Harwood, Henderson, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Raybould, Roberts, Schaefer, Shepherd(02), Shepherd(08), Shirley, Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 47.

NAYS -- Bock, Boe, Chavez, Chew, Clark, Durst, Henbest, Jaquet, Killen, King, LeFavour, McGeachin, Pasley-Stuart, Patrick, Pence, Ringo, Ruchti, Rusche, Sayler, Shively, Smith(30). Total -- 21.

Absent and excused--Chadderdon, Eskridge. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **H 366** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:00 a.m., Tuesday, February 5, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:31 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk